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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,892	08/21/2001	Ismo Itkonen	100720-00050 (HEIN 18.938	6369
26304 7590 05/18/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/933,892

Applicant(s)

ITKONEN ET AL.

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2007 has been entered.
2. Applicant's cancellation of claims 3, 6-19 and 20-30 is acknowledged.
3. Examiner's note: The Applicant's specification discloses that: "When the overlap wrapping is made as shown in FIGS. 7, 7a - 9, 9a in order to obtain a staggered wrap, the wrapping station 6 is transferred laterally in the roll axis direction 7 during the wrapping operation" (emphasis added) (page 10, lines 15-16), and "when the overlap wrapping is made to obtain the wrap shown in FIGS. 6, 6a the roll is not moved laterally during wrapping" (emphasis added) (page 10, lines 28-29).

Consequently, only one method, one of the two methods mentioned above, can be performed at any one time, because one method requires that the roll of web material (5) is being moved laterally during wrapping, and the other method requires that the roll of web material (5) is not moved laterally during wrapping.

Accordingly, the method step of claim 1, as recited, requires that the dispensing of the wrapping takes place after the step of moving the web material roll (5). In other words, claim 1 limitation is the embodiment of FIGS. 6, 6a. However, claim 4, the dependent claim of claim 1, is referred to the embodiment of FIGS. 7, 7a - 9, 9a. Therefore, the

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examiner maintains that claim 4, as recited, is indefinite, and thus the 112, second paragraph rejection is repeated as follow:

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As mentioned in paragraph 3 above, the process steps of claim 1 and claim 4 are of two different embodiments of the claimed invention, and it is improper to claim two different embodiments in a single claim (mainly claim 4). Furthermore, there is no support in the disclosure (drawing or specification) for the combining of the two embodiments in a single process. In another words, there are more than one specie in the claimed invention, and claim 1 is not a generic claim, therefore, all the claims that are dependent of claim 1 can not be including other species than the specie of claim 1.

Claim 1, the phrase "and optionally", lines 15, 16 and 17, is vague and indefinite, because the word "optionally" does not positively recite the claimed limitation, and thus it is unclear what is the claimed limitation. In other words, it is unclear whether the limitation following the word "optionally" is being claimed at all.

Similarly, the word "optionally" renders claims 2 and 4 indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton, Jr. (4,607,476) – hereinafter Fulton.

Fulton discloses a method comprising the steps of:

providing a wrapper dispensing system for dispensing wrapping (21) onto a load (the product that is being wrapped), the wrapper dispensing system comprising a wrapper dispensing station (not number) and a wrapper dispensing means (19),

supporting the load on a roll rotation station (10, 16, 17),

rotating the roll rotation station with the load supported thereon (the roll rotating station is rotated by turn table 10), the wrapper dispensing system remaining stationary relative to the rotating supported roll,

dispensing wrapping onto the rotating supported roll from the wrapper dispensing station via the dispensing means (19) so that a first wrapping is wound so as to form on the rotating supported load,

moving the roll rotation station stepwise laterally in the axial direction of the rotating supported roll relative to the wrapper dispensing system after dispensing the first wrapping (Figure 2 – column 2, lines 67-68 and column 3, lines 1-5), and

dispensing wrapping (21) onto the rotating supported load from the wrapper dispensing station via the dispensing means (19) so that a second wrapping is wound so as to form on the rotating supported load, the second wrapping being formed to overlap the first wrapping in a stagewise manner (Figures 1, 2 and 4).

Fulton discloses the claimed invention, but it does not expressly disclose that: the load is a roll of web material, and the second (or third) wrapping is wound after the step of moving the roll rotation station.

However, Fulton disclosure indicates that:

the apparatus and the method as claimed is applicable to any product (column 2, lines 3-7), and

the roll rotation station (10, 16, 17) is capable of rotating and moving up and down or stop along the rotation axis.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the Fulton method steps so that it will carry a load of a roll of web material, and to perform the overlap wrapping step as recited in claim 1, since it is well known and within the general skill of a worker in the art to select a known design configuration steps on the basis of its suitability for the intended use as matter of obvious design choice.

The modified Fulton further discloses: the first or second or third wrapping is wound in a slightly helical manner onto the load (column 3, lines 10-12, and Figure 2), and wherein the slightly helical manner by which the wrapping is wound is performed by the slight movement of the roll rotation station laterally relative the wrapper dispensing system during the first or second or third wrapping is wound (column 2, lines 67-68 and column 3, lines 1-12).

Response to Arguments

8. Applicant's arguments filed December 6, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

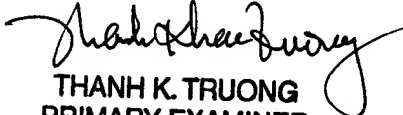
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkf
May 15, 2007.


THANH K. TRUONG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700